

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**HUNTINGTON DIVISION**

GEOFFERY D. JOHNSTON,

Plaintiff,

v.

CIVIL ACTION NO. 3:15-3467

U.S. ATTORNEY GENERAL;  
R. BOOTH GOODWIN, II,  
U.S. Attorney for the Southern  
District of West Virginia,

Defendants.

**MEMORANDUM OPINION AND ORDER**

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that Plaintiff's Complaint (ECF No. 1) be dismissed with prejudice; Plaintiff's Application to Proceed Without Prepayment of Fees and Costs (ECF No. 2) be denied; and this case be removed from the court's docket. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **ORDERS** that Plaintiff's Complaint (ECF No. 1) be **DISMISSED with prejudice**; Plaintiff's Application to Proceed Without Prepayment of Fees and Costs (ECF No. 2) be **DENIED**; and this case be removed from the court's docket, consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: April 22, 2016

  
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ROBERT C. CHAMBERS, CHIEF JUDGE